

DAYLE ELIESON
United States Attorney
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney
Nevada State Bar No. 1925
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: (702) 388-6336
Facsimile: (702) 388-6787
Daniel.Hollingsworth@usdoj.gov
Counsel for the United States

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | 2:08-CR-064-JCM-(GWF) |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Government's Unopposed Motion to Extend |
| |) | Time to File its Motions Regarding <i>Honeycutt</i> |
| STEVEN W. GRIMM, |) | and the Eighth Amendment as Applied to the |
| EVE E. MAZZARELLA, |) | Defendants or to Settle under ECF No. 691 |
| MELISSA R. BEECROFT, |) | (First Request) |
| |) | |
| Defendants. |) | |

This Motion to Extend Time is the first request. LR IA 6-1.

The United States of America respectfully moves this Court for an Order extending the time for the government to file its Motions Regarding *Honeycutt* and the Eighth Amendment as Applied to the Defendants or to settle under ECF No. 691. The reason is the continual need to research the records, which are so large that the government has not and will not be through them all before the deadline. No specific date was provided, but the goal was the end of August 2018.

The United States Attorney's Office for the District of Nevada (USAO) requested money months ago from the United States Department of Justice (DOJ) to retain an independent contractor of forensic accounts, etc., specifically for this case, to review and to organize the records relating to the three defendants and the *Honeycutt* issue. The contractor would provide the personnel to perform the necessary searches efficiently, effectively, and timely. DOJ has neither approved nor

1 disapproved the request. Numerous government appropriation issues and budget issues have arisen.
2 With Congress, these issues may continue into the new fiscal year starting in October 1, 2018.

3 The excel spreadsheets used to summarize the bank records in the case in chief do not
4 address the *Honeycutt* issue. The FBI has a contract individual tracing the money through
5 approximately 85 bank accounts with multitudes of bank records to address the *Honeycutt* issue
6 because the Las Vegas Field Office has lost numerous personnel to retirement and transfers. New
7 agents arrive regularly to the office and must have experienced agents mentoring and shepherding
8 the new agents.

9 Because of the lack of resources at this USAO and management's concerns regarding
10 undersigned's health, they will not permit the undersigned to continue to perform duties on other
11 work during the day and work late into the evenings and on Saturdays to review and to organize the
12 records relating to the three defendants regarding the *Honeycutt* issue. That is one of the reasons for
13 requesting an independent contractor. Since that has not been approved yet, an individual in this
14 USAO, who is not the undersigned, reviews the documents and records other than bank records
15 regarding the *Honeycutt* issue. He leaves this week but has outlined all the work he has done and what
16 needs to be done by the person who will replace him. The completion of going through the records
17 has a very long way to go.

18 The government continues the tedious task of reviewing records for the *Honeycutt* issue. Law
19 enforcement prepared this case differently before *Honeycutt* based on *United States v. Newman*, 659
20 F.3d 1235 (9th Cir. 2011). The government only had to show the defendants participated in a
21 conspiracy and were responsible for the entire amount of the forfeiture. *Honeycutt* abrogated that one
22 sentence in *Newman*: "Moreover, because Tedesco entered into a conspiracy, the 'proceeds' of his
23 crime equal the total amount of the loans obtained by the conspiracy as a whole." *Id.* at 1244. This
24 legal change is one of the major reasons this process is so slow and tedious. The government is
25 trying to find the correct documents and records that address the *Honeycutt* issue for the defendant.

26 On July 19, 2018, the government contacted Angela Dows, John Cline, and Alina Shell via
27 email to determine whether they would agree or oppose this extension of time.

1 Angela Dows, counsel for Melissa R. Beecroft, agreed to the extension of time on July 19,
2 2018.

3 Gabriel Grasso, counsel for Eve Mazzarella, agreed to the extension of time on or about July
4 21, 2018. John Cline, counsel for Eve Mazzarella, agreed to the extension of time on July 24, 2018.

5 Alina Shell, counsel for Steven W. Grimm, agreed to the extension of time on July 31, 2018.

6 Because of the foregoing reasons, the government requests another six months to continue
7 to review and organize records, hoping the funding will be approved to retain an independent
8 contractor, who can provide the necessary personnel to complete this task.

9 This Motion is not submitted solely for the purpose of delay or for any other improper
10 purpose.

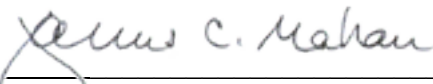
11 This Court should grant an extension of time to, and including, February 28, 2019.

12 DATED: August 2, 2018.

13 DAYLE ELIESON
14 United States Attorney

15 /s/ Daniel D. Hollingsworth
16 DANIEL D. HOLLINGSWORTH
17 Assistant United States Attorney

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19 IT IS SO ORDERED:

20 
21 JAMES C. MAHAN
22 UNITED STATES DISTRICT COURT JUDGE

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24 DATED: August 6, 2018
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PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on August 2, 2018.

/s/ Heidi L. Skillin
HEIDI L. SKILLIN
Asset Forfeiture Paralegal